



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/694,836

10/29/2003

David C. Conklin

65448

2478

20873

7590

02/24/2006

LOCKE LIDDELL & SAPP LLP

ATTN: SUE COTT

2200 ROSS AVENUE

SUITE 2200

DALLAS, TX 75201-6776

EXAMINER

TRAIL, ALLYSON NEEL

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/694,836	Applicant(s) CONKLIN ET AL.	
	Examiner Allyson N. Trail	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 7 is/are rejected.
- 7) ☒ Claim(s) 2,4-6 and 8-12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims 4, 5, 10, and 11 are objected to because of the following informalities:

Re claims 4 and 10, line 2: replace "the number" with --a number--.

Re claim 4, line 4: replace "document" with --documents--.

Re claims 4 and 10, line 4: replace "the quantity" with either --a quantity-- or --the number--. (Although a quantity is disclosed in claims 2 and 9, claims 4 and 7 depend on claims which do not disclose "a quantity").

Re claims 5 and 11, line 2: replace "the remaining" with --a remaining--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narusawa et al (2005/0231749) in view of Kopchik (2004/0128389).

With reference to claims 1 and 7 Narusawa et al teach setting print-conditions for a printer by using various memory cards. (Paragraph 0002). The memory cards provide instructions for various print conditions including for example type and sizes of printing paper, the number of printing copies, print quality, layouts, etc. (Paragraph 0007).

As discussed above, Narusawa et al teaches changing print quality with the instructions from the memory card. Clearly, the print quality includes a throughput rate. Additionally, with regard to claim 3, as the quality decreases the throughput rate increases. Therefore the memory card settings could set the throughput rate to be greater than the preset throughput rate if a lower quality print is desired.

Narusawa et al however fail to specifically teach using a smart card for controlling the settings.

With reference to claims 1 and 7 Kopchik teaches using a smart card to adjust the settings on a computer.

In view of Kopchik's teachings it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a smart card as taught by Kopchik in place of the memory card, taught by Narusawa et al to adjust the printer settings. Narusawa et al teaches using various memory cards to adjust the print quality of print jobs. One would be motivated to instead use a smart card. By using a smart card the settings stored on the card can be changed on the one card at any time making the smart cards more versatile.

Allowable Subject Matter

4. Claims 2, 4-6 and 8-12 are objected to as being dependent upon a rejected base claim and also objected to above, but would be allowable if rewritten in independent form and overcoming the above objection, including all of the limitations of the base claim and any intervening claims.

The following is an examiner's for allowance: Narusawa et al in view of Kopchik teach a smart card being used to control the throughput rate of a document. The above identified prior art of record, taken alone, or in combination with any other prior art, fails to teach or fairly suggest the specific features of claims 2-6 and 8-12 of the present claimed invention. Specifically prior art fails to teach the data being stored on the smart card including a count of quantity of documents to be transported by the document transport at the throughput rate stored on the smart card and the data also including a serial number corresponding to a serial number of the document transport. Prior art further fails to teach the controller including a counter for counting the number of documents transported by the document transport at the throughput rate stored on the smart card and for deducting the counted number of documents from the count of the number of documents stored on the smart card using the card reader. Lastly, prior art fails to teach the smart card including a display for displaying the throughput rate and the remaining count of documents stored on the smart card. Moreover, one of ordinary skill in the art would not have been motivated to come to the claimed invention.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Yap (2002/0059366), Botten et al(2005/0151823), Kallin (4,442,769), Okatani (5,701,548), Takahashi et al (6,424,429), Lieber et al (2002/0170367), and Otsuki (2005/0128237).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson N. Trail* whose telephone number is (571) 272-

2406. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax phone number for this Group is (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [allyson.trail@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Allyson N. Trail
Patent Examiner
Art Unit 2876
February 14, 2006



KARL D. FRECH
PRIMARY EXAMINER